THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.19082 OF 2002

Dated:11-08-2005

Between:

Laxmi Narayan Bankuwale.

..Petitioner.

And

Municipal Corporation of Hyderabad represented by its Commissioner, Office at Municipal Complex, Tank Bund, Hyderabad.

..Respondent.

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.19082 OF 2002

ORDER:

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This writ petition is filed to call for the records relating to the impugned notice

dated 24-9-2002 issued by the respondent and to quash the same as illegal and arbitrary.

The brief facts are that the petitioner and his wife together purchased 384.68 Sq. yards of land bearing H.No.15-3-26 to 30, Gowliguda chaman, Hyderabad, by virtue of five different sale deeds. Thereafter, the petitioner obtained permission from the respondent-Corporation for construction of cellar, ground plus two upper floors, vide permit dated 20-8-2002 and started the construction work as per the sanctioned plan. While so, the respondent-Corporation issued notice dated 13-9-2002 to the petitioner that he has raised 3 columns in deviation of the sanctioned plan and to remove the same. In pursuance of the same, he issued a reply on 16-9-2002, but the respondent has not passed any order upon his reply. Surprisingly, the respondent-Corporation issued another notice on 24-9-2002 to remove the structures for the deviations mentioned in the notice, within seven days from the date of service of the notice. Hence, the writ petition.

No counter has been filed by the respondent-Corporation.

Heard both the learned counsel and perused the material on record.

The learned Standing Counsel for the respondent-Corporation submits that earlier show cause notice dated 13-9-2002 was issued to the petitioner to stop the construction work as he is making constructions deviating the sanctioned plan and thereafter, the impugned notice was issued.

A perusal of the record goes to show that the matter in question is purely civil in nature. However, in view of the facts and circumstances of the case, without expressing any opinion on merits of the case, I deem it appropriate to direct the petitioner to submit his explanation to the impugned notice dated 24-9-2002 within a period of 2 weeks from the date of receipt of a copy of this order. Thereafter, the respondent-Corporation is directed to consider the explanation after giving an opportunity to the petitioner and pass appropriate orders in accordance with law, within a period of three months. It is made clear that till such time, the respondent shall not interfere with the construction work of the petitioner.

Accordingly, the Writ Petition is disposed of. No order as to costs.

11-08-2005

sj